

### III. REMARKS

1. Corrected drawings are enclosed. It is therefore submitted that the drawings are no longer objectionable.

Claims 1-10 have been amended to positively claim the steps. It is therefore submitted that they are no longer objectionable.

Similarly, claims 11-23 have been amended to better conform to U.S. Practice.

None of the above amendments change the scope of the claims.

It is respectfully submitted that the specification describes the NOOP command on p. 9, ll. 29-32, and p. 11, ll. 6-8. This command is also shown in Fig. 1b by arrow 120. Thus, claims 8 and 21 conform to 35 U.S.C. §112, 1<sup>st</sup> paragraph, since they are disclosed both by the description and drawings.

Frid relates to a packet connection and a circuit-switched call. When there is an incoming circuit-switched call, a message is transmitted from the network, and the terminal responds to this message by transmitting a response message to the packet network and, in transmitting the response message, accepts to take the incoming call. The packet connection is switched off for the time of the call, but both the terminal and the network store the parameters of the packet connection in a memory. After the termination of the circuit-switched call, a new packet connection can be set up by means of the stored parameters (see abstract; column 1, lines 8 to 12; column 7, lines 24 to 36, 37 to 39, 60 to 63).

The independent claims now recite the automatic generation of a maintenance message (that is, automatic maintenance of the

connection during handshaking as opposed to maintenance triggered by the user). Thus, there is no possibility of a user forgetting to do this. Hence the present invention is more reliable than Frid. Since this is not disclosed in Frid, the rejection of claims 1-4, 6-14, 16-19 and 21-22 under 35 U.S.C. §102 on Frid should be withdrawn.

Further, since there is no suggestion of the automatic generation of the maintenance message these claims are unobvious over it.

Chen relates to several simultaneous call connections in a cabled and/or wireless network and, for example, to the transfer of a call (see abstract). There is no disclosure of the automatic feature. Thus, combining Chen with Frid does not result in the present invention.

Hence the rejection of claims 5, 15 and 20 under 35 U.S.C. §103 on Frid in view of Chen should be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

Henry L. Steckler

Henry Steckler

Reg. No. 24,139

Perman & Green, LLP

425 Post Road

Fairfield, CT 06824

(203) 259-1800

Customer No.: 2512

April 28, 2004

Date

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Commissioner of Patents, MAIL STOP NON-FEE AMENDMENT, P.O. Box 1450, Alexandria, VA 22313-1450.

Date:

4/29/04

Signature:

Carolina Rodriguez

Person Making Deposit